

WILLIAM BLUMENTHAL
General Counsel

JOHN F. DALY
Deputy General Counsel - Litigation

JOHN ANDREW SINGER
Attorney - Office of the General Counsel
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580
Telephone: (202) 326-3234
Facsimile: (202) 326-2447
Email: jsinger@ftc.gov

MICHAEL MORA
JULIE MACK
Attorneys - Division of Enforcement
Bureau of Consumer Protection

ATTORNEYS FOR FEDERAL
TRADE COMMISSION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE BILLING RESOURCE d/b/a INTEGRATEL,	)	Nos. 5:07-CIV-5758-JW,
	)	5:07-CIV-6210-JW,
	)	08-CIV-341-JW, and
Debtor-Plaintiff-Appellee,	)	08-CIV-1637-JF
)	
v.	)	Date: June 16, 2008
	)	Time: 9:00 a.m.
FEDERAL TRADE COMMISSION et al.,	)	Place: 280 S. First Street
	)	San Jose, CA
Defendant-Appellant.	)	Judge: Hon. James Ware
	)	Courtroom: 8 - 4th Floor

On Appeal from the United States Bankruptcy Court for the Northern District of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

**JOINT ADMINISTRATIVE MOTION AND STIPULATION TO CONSOLIDATE AS
RELATED APPEAL OF BANKRUPTCY COURT’S MARCH 18, 2008, ORDER
EXTENDING PRELIMINARY INJUNCTION ENJOINING PROSECUTION
OF LAW ENFORCEMENT ACTION AGAINST DEBTOR WITH THE OTHER
APPEALS FROM BANKRUPTCY COURT PENDING BEFORE THIS COURT**

1 Defendant-appellant the Federal Trade Commission (“Commission”), defendant-appellant
2 David R. Chase P.A., and debtor-plaintiff-appellee The Billing Resource dba Integretel (“Integretel”)
3 (collectively referred to herein as the “parties”) hereby stipulate and move pursuant to N.D. Cal. Civil
4 L.R. 3-12 that the Court consolidate as a related case the Commission’s appeal of the bankruptcy
5 court’s March 18, 2008, order extending the bankruptcy court’s November 7, 2007, preliminary
6 injunction enjoining the Commission from prosecuting a civil law enforcement action (the
7 “Enforcement Action”) brought by the Commission against Integretel pending in the United States
8 District Court for the Southern District of Florida with three other appeals pending before Judge Ware
9 of this Court at No. 5:07-CIV-5758-JW as described below. In support of this stipulation and motion,
10 the parties state the following:

13 1. On September 16, 2007, Integretel filed a voluntary petition under Chapter 11 of
14 Bankruptcy Code, *In re The Billing Resource d/b/a Integretel*, No. 07-52890 (Bankr. N.D. Cal.). On
15 September 19, 2007, Integretel commenced the adversary proceeding that led to this appeal, *The Billing*
16 *Resource dba Integretel v. David R. Chase P.A. and the Federal Trade Commission*, No. 07-AP-5156
17 (Bankr. N.D. Cal.) (the “Adversary Proceeding”). In the Adversary Proceeding, Integretel sought,
18 pursuant to 28 U.S.C. § 105(a), a preliminary injunction enjoining the Commission from prosecuting
19 the Enforcement Action against Integretel and from pursuing a contempt proceeding against Integretel
20 that is ancillary to the Enforcement Action (the “Contempt Proceeding”). The Adversary Proceeding
21 also sought to enjoin David R. Chase P.A. (the “Receiver”), in his capacity as a Receiver appointed by
22 the Florida District Court in the Enforcement Action, from pursuing the Contempt Proceeding.

25 2. On November 7, 2007, the bankruptcy court issued a written preliminary injunction
26 enjoining the Commission from prosecuting the Enforcement Action through March 14, 2008 (the
27 “November 7 preliminary injunction”). The Commission appealed this injunction and this appeal was
28

1 docketed with this Court at No. 5:07-CIV-5758-JW. The Receiver did not appeal the November 7
2 preliminary injunction.

3
4 3. On November 28, 2007, the bankruptcy court issued a preliminary injunction enjoining
5 the Commission and the Receiver from pursuing the Contempt Proceeding following a hearing on
6 November 27, 2007 (the "November 28 preliminary injunction"), which was amended by an order
7 entered on November 30, 2007. The Commission's appeal of this order also is docketed with this
8 Court at No. 5:07-CIV-5758-JW.

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10 4. The Receiver's appeal of the November 27 preliminary injunction is docketed at 5:07-
11 6210-JW. This appeal has been consolidated before Judge Ware with the Commission's two appeals at
12 No. 5:07-CIV-5758-JW.

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14 5. Also pending before this Court is a motion by the Commission (and joined by the
15 Receiver), pursuant to 28 U.S.C. § 157, seeking to partially withdraw the reference of the Adversary
16 Proceeding to the bankruptcy court. This motion is docketed at No. 08-CIV-341-JW.

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18 6. On March 18, 2008, the bankruptcy court issued an order extending the November 7
19 preliminary injunction through June 12, 2008 ("March 18 extension order"). The Commission's appeal
20 of this extension order was docketed with this Court at No. 08-CIV-1637-JW.

21
22 7. The March 18 extension order is related to the appeals already pending before Judge
23 Ware of this Court at No. 5:07-CIV-5758-JW since the extension order extends the injunctive relief
24 originally issued by the bankruptcy court in the November 7 preliminary injunction already on appeal.
25 As a related matter, the appeal of the extension order should be consolidated for all purposes with the
26 appeals pending before Judge Ware of this Court at No. 5:07-CIV-5758-JW.

27
28 8. Upon consolidation of the appeal of the March 18 extension order docketed with this
Court at No. 08-CIV-1637-JW with the appeals pending at No. 5:07-CIV-5758-JW or consolidated
therewith, the parties stipulate that all of these appeals (including the appeal of the March 18 extension

1 order) be briefed pursuant to the scheduling order entered by Judge Ware at Dkt Item 75 in No. 5:07-
2 CIV-5758-JW.

3
4 Respectfully submitted,

5 /s/

6 JOHN ANDREW SINGER
7 Attorney - Office of the General Counsel
8 Federal Trade Commission
9 600 Pennsylvania Ave., NW
10 Washington, DC 20580
11 Telephone: (202) 326-3234
12 Facsimile: (202) 326-2447
13 Email: jsinger@ftc.gov

14 /s/

15 WALTER K. OETZELL¹
16 Danning, Gill, Diamond & Kolliz, LLP
17 2029 Century Park East - Third Floor
18 Los Angeles, CA 90067
19 Telephone: (310) 277-0077
20 Facsimile: (310) 277-5735
21 Email: woetzell@dgdk.com
22 Counsel for Receiver David R. Chase P.A.

23 /s/

24 STEVEN B. SACKS
25 Sheppard, Mullin, Richter & Hampton, LLP
26 Four Embarcadero Center - 17th Floor
27 San Francisco, CA 94111-4106
28 Telephone: (415) 434-9100
Facsimile: (415) 434-3947
Email: ssacks@sheppardmullin.com
Counsel for The Billing Resource dba Integretel

¹Pursuant to General Order No. 45, § X(B), John Andrew Singer hereby attests that signatories's concurrence in the filing of this document has been obtained.